



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,409	02/07/2001	Yon Lew	Dat.01US01	9784
27479	7590	08/04/2004	EXAMINER	
COCHRAN FREUND & YOUNG LLC 3555 STANFORD ROAD SUITE 230 FORT COLLINS, CO 80525			SHANNON, MICHAEL R	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/779,409

Applicant(s)

LEW ET AL.

Examiner

Michael R Shannon

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Page 2, line 5 states, "may which", this should be corrected to read, "may wish".

Page 10, line 23 states, "local mass storage device 100", this should be corrected to read, "local mass storage device 106" as referenced throughout the disclosure and drawings.

Page 11, line 29 states, "such full", this should be corrected to read, "such as full".

Throughout the disclosure, "pay-per-view" and "pay-for-view" are used interchangeably, it is suggested that "pay-per-view" be used throughout the disclosure, as it is the dominating term recognized in the art.

Appropriate correction is required.

2. Claim 5 is objected to because of the following informalities: There is improper antecedent basis for "said display." While the claim states "a system for displaying data to a user," it never formally declares a "display". Appropriate correction is required.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: 502,504,506, and 508. Corrected drawing sheets are required in reply to

Art Unit: 2614

the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Wheeler (US Publication Number 2001/0056478 A1).

Wheeler teaches a system for coordinating web site and local CD-ROM (or similar storage) data through the use of a communications network in order to simulate a high bandwidth connection while using a low bandwidth connection such as a typical modem.

With regards to claim 1, the claimed method is met as follows: The claimed step of "providing a mass storage medium to said user station that contains said data" is met by Figure 1 and [0026], where Wheeler states, "storage device 14 contains information about the same general subject matter as the material located at the website on server." The claimed step of "establishing a communication channel between said user station and a server" is met by Figure 1 and [0025]. The claimed step of "sending queries relating to metadata index categories established for said data, said queries sent from user station over said communication channel to said server" is met by [0027] where Wheeler discusses the typical operation of the communications channel. The claimed step of "obtaining pointers from a metadata index located at said server that indicates the location of data on said mass storage medium that corresponds to said queries" is met by [0028] where Wheeler states that the "server 10 also contains information indicating the contents of storage device 14, so that, when the user requests information from server 10 which is on storage device 14, the server can direct the user's browser to retrieve the requested data from storage device 14...." In other words, by stating "information indicating the contents of storage device," Wheeler teaches an index of information and addresses (pointers) that are consequently sent to the user station after the server processes the user query. In [0012], Wheeler also states that "the website will not transmit that information, but rather will transmit a signal containing the address of the information on the CD-ROM." The claimed step of "using said pointers to access data from said mass storage medium" is met by [0028] where Wheeler states, "the server can direct the user's browser to retrieve the requested data from storage device."

With regards to claim 2, [0025] clearly teaches the use of a dial-up modem network to establish a communications channel between the user station and server.

With regards to claim 5, the claimed system is met as follows: The claimed "communication channel" is met by Figure 1 and [0025]. The claimed "local mass storage device containing data to be displayed" is met by Figure 1 and [0026], where Wheeler states, "storage device 14 contains information about the same general subject matter as the material located at the website on server." The claimed "input device for generating queries regarding the data that is to be displayed" is met by Figure 1 and [0025] where Wheeler states "an input device 20, such as a keyboard or mouse." The claimed "computer coupled to said display, said input device, said local mass storage device and said communications channel that transmits said queries over said communications channel, receives pointers in response to said queries, accesses data on said local mass storage device corresponding to said pointers and displays said data on said display that has been accessed on said local mass storage device" is met by the Processor 12 in Figure 1, [0024] and [0025], specifically where Wheeler states, "processor 12 can access a storage device" and "processor 12 is also connected to a modem 16..., a monitor or screen 18 , and an input device , such as a keyboard or mouse." In [0027] and [0028] Wheeler states the "typical operation" of the computer and its abilities to connect to the server, send information queries, and read data from storage based on data pointers received from the server. The claimed "server coupled to said communications channel that receives said queries, obtains pointers from a metadata index corresponding to said queries and transmits said pointers across said

Art Unit: 2614

communications channel to said user station" is met by [0028] where Wheeler states that the "server 10 also contains information indicating the contents of storage device 14, so that, when the user requests information from server 10 which is on storage device 14, the server can direct the user's browser to retrieve the requested data from storage device 14...". In other words, by stating "information indicating the contents of storage device," Wheeler teaches an index of information and addresses (pointers) that are consequently sent to the user station after the server processes the user query. In [0012], Wheeler also states that "the website will not transmit that information, but rather will transmit a signal containing the address of the information on the CD-ROM."

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 rejected under 35 U.S.S. 103(a) as being unpatentable over Wheeler (US Publication Number 2001/0056478 A1).

The Wheeler reference discloses a communications channel to connect the user station with the server by utilizing "other means for accessing the World Wide Web" yet is silent as to the use of a DSL connection, as claimed. In [0025], Wheeler simply states, "The browser on processor 12 accesses the web site on server 10 over public telephone lines 22 through modem 16. Other means for accessing the World Wide

Web, such as cable modems which use the existing cable television infrastructure, could be used.” However, the examiner gives Official Notice that it is notoriously well-known in the art to use DSL connections, defined as “Digital Subscriber Line, a recently developed (late 1990s) digital communications technology that can provide high-speed transmissions over standard copper telephone wiring” in place of cable connections to provide a high speed connection to the World Wide Web, and submits that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to implement Wheeler using a standard DSL line as a means for connecting the user station to the server.

8. Claims 4, and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler (US Publication Number 2001/0056478 A1) in view of Coden (U.S. Patent Number 5,873,080).

With regards to claim 4, Wheeler discloses all of the pre-requisites for the claim as defined in the above paragraphs. Wheeler does not expressly disclose the use of “a search engine to apply Boolean logic to said queries and obtain pointers from said metadata index.” Coden discloses a system for searching, wherein search engines access databases of documents and/or associated metadata as appropriate to fulfill a user query. “Logical operators” are often used to further limit a query, which indicates that some sort of Boolean search and logic is being applied to obtain pointers (see column 6, line 32 – column 7, line 15). At the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate the system for applying Boolean logic to queries and obtaining pointers from a metadata index of Coden into the

Art Unit: 2614

system of Wheeler, in order to enable it to perform more dynamic and specific searches for specific data and information that the user wishes to view.

With regards to claim 6, Wheeler discloses all of the pre-requisites for the claim as defined in the above paragraphs, particularly note the teaching of an index of information and addresses (pointers) that is generated by examining the stored data. Wheeler also teaches retrieval of pointers from this index. Wheeler does not expressly disclose the use of "a search engine that receives and processes said queries in accordance with metadata index categories." Coden discloses a system for searching, wherein search engines access databases of documents and/or associated metadata as appropriate to fulfill a user query. Figure 1 and column 6, line 32 – column 7, line 15 clearly teach a search engine for "accessing the database of documents and/or parts and/or associated metadata as appropriate." At the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate the system for using a search engine to process queries in accordance with metadata categories of Coden into the system of Wheeler, in order to enable it to perform more dynamic and specific searches for specific data and information that the user wishes to view.

With regards to claim 7, Wheeler discloses all of the pre-requisites for the claim as defined in the above paragraphs, particularly note the teaching of an index of information and addresses (pointers) that is generated by examining the stored data. Wheeler does not disclose the use of "an index generator that generates metadata index categories from said data". Coden discloses a system and database for organizing information in parts and associated metadata. Column 7, lines 5-13

Art Unit: 2614

specifically state, "the searches are executed by the search engines by accessing the database of documents and/or parts and/or associated metadata as appropriate." At the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate the system for using a database of "documents and/or parts and/or associated metadata" of Coden into the system of Wheeler, in order to enable it to perform more dynamic and specific searches for specific data and information that the user wishes to view.

With regards to claim 8, see the above rejections for claims 6 and 7.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rinne (U.S. Publication Number 2001/0047304 A1), filed December 22, 2000, discloses a system for providing product ordering services in a telecommunications system without burdening the system with wasted connection time. Rinne teaches a deliverable CD-ROM and shopping ability through interaction with the web site and CD-ROM.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Shannon whose telephone number is 703-305-6955. The examiner can normally be reached on M-F 7:30-5:00, alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael R Shannon
Examiner
Art Unit 2614

Michael R. Shannon
July 23, 2004


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600